

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

State of Minnesota by its Attorney  
General, Keith Ellison,

Plaintiff,

v.

Fleet Farm LLC, Fleet Farm Group  
LLC, and Fleet Farm Wholesale  
Supply Co. LLC,

Defendants.

Case No.: 0:22-cv-02694-JRT-JFD

**DECLARATION OF KATHERINE A.  
MOERKE IN SUPPORT OF THE  
STATE OF MINNESOTA’S MOTION  
TO FURTHER MODIFY THE  
AMENDED PRETRIAL  
SCHEDULING ORDER AND  
COMPEL DISCOVERY**

I, Katherine A. Moerke, Assistant Attorney General for the State of Minnesota, declare as follows:

1. Attached as Exhibit 1 is a true and correct copy of a document produced by Defendants as FF\_0075711 on July 22, 2024.
2. Attached as Exhibit 2 is a true and correct copy of Defendants’ Responses and Objections to Plaintiff’s First Set of Requests for Production of Documents dated August 21, 2023.
3. Attached as Exhibit 3 is a true and correct copy of Defendants’ Responses and Objections to Plaintiff’s First Set of Interrogatories dated August 21, 2023.
4. Attached as Exhibit 4 is a true and correct copy of Defendants’ Amended Responses and Objections to Plaintiff’s Interrogatory Nos. 2,6, and 13, dated February 20, 2024.

5. Attached as Exhibit 5 is a true and correct copy of Defendants' Amended Responses and Objections to Plaintiff's Interrogatory Nos. 5, 7, 9, 14, and 15, dated May 23, 2024.

6. Attached as Exhibit 6 is a true and correct copy of a document produced as ATF0001503 on June 24, 2024. The entire document is filed under seal because redaction is impracticable.

7. Attached as Exhibit 7 is a true and correct copy of a letter from Counsel for the State of Minnesota to Counsel for Fleet Farm dated July 11, 2024.

8. Attached as Exhibit 8 is a true and correct copy of an email from Counsel for Fleet Farm to Counsel for the State of Minnesota dated July 19, 2024.

9. Attached as Exhibit 9 is a true and correct copy of an email from Counsel for the State of Minnesota to Counsel for Fleet Farm dated July 22, 2024.

10. Attached as Exhibit 10 is a true and correct copy of an email from Counsel for Fleet Farm to Counsel for the State of Minnesota dated November 7, 2023.

11. Attached as Exhibit 11 is a true and correct copy of a letter from Counsel for the State of Minnesota to Counsel for Fleet Farm dated July 26, 2024.

12. Attached as Exhibit 12 is a true and correct copy of a letter from Counsel for Fleet Farm to Counsel for the State of Minnesota dated July 26, 2024. The entire document is filed under seal because redaction is impracticable.

13. On January 29, 2024, the State served a Rule 30(b)(6) Deposition Notice on Fleet Farm. Fleet Farm did not provide a Rule 30(b)(6) witness for deposition, however, until June 13, 2024.

14. On April 16, 2024, the State served Deposition Notices for Michelle Granato on May 9, 2024 and Mike Radl on May 10, 2024. Fleet Farm did not provide these witnesses for deposition until June 19 and June 20, 2024.

15. On May 3, 2024, the State served Deposition Notices for Derrick Hoernke on May 30, 2024 and Brad Hansen on May 31, 2024. Fleet Farm did not provide these witnesses for deposition until June 26, 2024 and July 17, 2024.

16. On June 17, 2024, the State served a Deposition Notice for Branden Sierakowski on July 16, 2024. Fleet Farm provided this witness for deposition on July 24, 2024.

17. On July 1, 2024, the State served a Notice of Subpoena for Bret Nordquist on July 19, 2024. Fleet Farm's counsel are representing this witness and providing him for deposition on July 30, 2024.

18. On July 18, 2024, the State served Deposition Notices for Gary Hallfielder on July 30, 2024 and Zach Adams Lohse on July 29, 2024, as well as a Notice of Subpoena to Eric Bongard for deposition on August 2, 2024. None of these depositions are proceeding on the noticed dates and new dates have not been scheduled yet.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 2, 2024, in St. Paul, Minnesota.

*s/ Katherine A. Moerke*  
Katherine A. Moerke

Dated: August 2, 2024

KEITH ELLISON  
Attorney General  
State of Minnesota

JAMES W. CANADAY (#030234X)  
Deputy Attorney General

/s/ Katherine A. Moerke

KATHERINE MOERKE (#0312277)  
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